

**REMARKS**

Applicant appreciates the indication of allowability with respect to claim 8.

Claims 8-10 are pending in this application. Claims 1-7 were previously cancelled.

In the outstanding Office Action the examiner objects to claim 9 because of the term "form" appears to be incorrect given the context in which it appears. Claim 9 has been amended to correct this typographical error.

In the outstanding Office Action the examiner rejects claims 9 and 10 under 35 U.S.C. 102(b) as allegedly being anticipated by COOLIDGE et al (US 2,642,520). The COOLIDGE patent teaches a portable rechargeable flashlight which has plugs (52,53) to allow any gas which may develop and be under pressure to escape from the battery but the plugs prevent the leakage of the electrolyte from the battery cells. The plugs thus is possible to provide a non-leaking, rechargeable wet battery. Col.6, lines 11-16, 23-30. By contrast, the COOLIDGE patent does not teach or suggest a one-way valve disposed in a passage extending from a closed internal volume of a housing adapted to receive one or more batteries wherein the one way valve is adapted to permit gas to move from the closed internal volume to atmosphere while inhibiting fluids from moving from atmosphere to the internal volume.

In the outstanding Office Action the examiner further sites three US patents, in the Conclusion Section, as being pertinent to applicant's disclosure: SHIMIZU (US 3,559,224), MEAGER (US 2,897,345), and BACON (2,855,497). SHIMIZU teaches vent holes (21) and a band (22). Gas is released to atmosphere through the vent holes, and water is prevented from traveling in both directions by the band. Col.3, lines 41-46. However, the SHIMIZU patent does not teach or suggest a one-way valve in a passage as required by claim 9. MEAGER teaches a vent hole (40) positioned between a lamp head (23) and rubber collar (31,32,33) to prevent suction within the lamp

body upon removal of the rubber collar. Col. 3, lines 56-67. The MEAGER patent, however, does not teach or suggest a one way valve in a passage extending from the internal volume of a housing adapted to receive one or more batteries as claimed in claim 9. BACON teaches a valve housing (58) with plunger (74) extending into a counterbore of a passage (72) for operation of the fire extinguisher component of the BACON flashlight combination. Col. 3, lines 15-30. BACON patent does not teach a one-way valve in passage that is adapted to permit gas to move from the internal volume to atmosphere while inhibiting fluids from moving from atmosphere to the internal volume as claimed in amended claim 9. In view of the foregoing, claim 9 is clearly patentable over the references of record.

Because claim 10 depends on claim 9, claim 10 is also allowable.

### **CONCLUSION**

In view of the forgoing, reconsideration and allowance of patent application is earnestly solicited.

Respectfully submitted,

JONES DAY

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By: 

Shyh-Jye Wang  
Reg. No. 53,741

555 South Flower Street  
50th Floor  
Los Angeles, California 90071  
Telephone: (213) 489-3939  
Facsimile: (213) 243-2539